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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/643,917	08/20/2003	Tsuneo Kagotani	116900	4775
25944 7	7590 03/27/2006		EXAM	INER
OLIFF & BERRIDGE, PLC			NGUYEN, TAI V	
P.O. BOX 1993	28 A. VA 22320		ART UNIT	PAPER NUMBER
ALEXANDRI	A, VA 22320		3729	
			DATE MAILED: 02/27/200	e

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)
Office Action Summary		10/643,917	KAGOTANI ET AL.
		Examiner	Art Unit
		Tai Van Nguyen	3729
	- The MAILING DATE of this communication ap	pears on the cover sheet	with the correspondence address
WHIC - Exte after - If NC - Failu Anv	ORTENED STATUTORY PERIOD FOR REPLICHEVER IS LONGER, FROM THE MAILING Descriptions of time may be available under the provisions of 37 CFR 1. If SIX (6) MONTHS from the mailing date of this communication. Operiod for reply is specified above, the maximum statutory period ure to reply within the set or extended period for reply will, by statutory period to receive the Office later than three months after the mailing the patent term adjustment. See 37 CFR 1.704(b).	DATE OF THIS COMMUI 136(a). In no event, however, may will apply and will expire SIX (6) No.	NICATION. a reply be timely filed ONTHS from the mailing date of this communication. ABANDONED (35 U.S.C. § 133).
Status			
2a)	Responsive to communication(s) filed on <u>20 A</u> This action is FINAL . 2b) This since this application is in condition for allowed closed in accordance with the practice under	s action is non-final. ance except for formal m	atters, prosecution as to the merits is C.D. 11, 453 O.G. 213.
Disposit	tion of Claims		
5) 6) 7)	Claim(s) <u>1-6</u> is/are pending in the application. 4a) Of the above claim(s) is/are withdra Claim(s) is/are allowed. Claim(s) is/are rejected. Claim(s) is/are objected to. Claim(s) <u>1-6</u> are subject to restriction and/or or	awn from consideration.	
Applica	tion Papers		
10)	The specification is objected to by the Examir The drawing(s) filed on is/are: a) according a complex and any objection to the seplacement drawing sheet(s) including the correspond or declaration is objected to by the second contents and the second contents are second contents.	cepted or b) objected e drawing(s) be held in abe ction is required if the draw	eyance. See 37 CFR 1.85(a). ring(s) is objected to. See 37 CFR 1.121(d).
Priority	under 35 U.S.C. § 119		
а	Acknowledgment is made of a claim for foreign All b) Some * c) None of: 1. Certified copies of the priority documents. 2. Certified copies of the priority documents. 3. Copies of the certified copies of the principle application from the International Burents. See the attached detailed Office action for a list	nts have been received. nts have been received i iority documents have b au (PCT Rule 17.2(a)).	in Application No een received in this National Stage
2) \ \ \ No	ent(s) tice of References Cited (PTO-892) tice of Draftsperson's Patent Drawing Review (PTO-948) ormation Disclosure Statement(s) (PTO-1449 or PTO/SB/0	Paper 5) D Notice	iew Summary (PTO-413) No(s)/Mail Date e of Informal Patent Application (PTO-152)

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DETAILED ACTION

Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - Claims 1-4 and 6, drawn to a magneto resistance effect element bar exposure, classified in class 29, subclass 603.09.
 - Claim 5, drawn to a magneto resistance effect element bar, classified in class 360, subclass 313.

The inventions are distinct, each from the other because of the following reason:

- 2. Inventions I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make another and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the productive of Group II, can be made by a materially a materially different process, such as one without detecting and beam shifting.
- 3. Because these inventions are independent or distinct for the reasons given above and have acquired a separate status in the art in view of their different classification, restriction for examination purposes as indicated is proper.
- 4. If applicants elect inventions Group I, a further restriction to one of the following inventions is required under 35 U.S.C. 121.
- I-A Claims 1-3, drawn to a magneto resistance effect element bar exposure, classified in class 29, subclass 603.08;

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I-B Claim 4, drawn to a magneto resistance effect element bar formation, classified in class 29, subclass 603.15; and

- I-C Claim 6, drawn to a control method for an exposure device that comprise a drive system for shifting a substrate, classified in class 29, subclass 603.04.
- 5. Inventions I-A, I-B and I-C are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct if they do not overlap in scope and are not obvious variants, and if it is shown that at least one subcombination is separately usable. In the instant case, subcombination I-A has separate utility such as detecting the positions of a plurality of alignment marks formed on a substrate. See MPEP § 806.05(d).
- 6. Because these inventions are distinct for the reasons given above and the search required for Group I-A is not required for Group I-B and I-C, restriction for examination purposes as indicated is proper.
- 7. A telephone call was made to Jesse O. Collier on 3/21/2006 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of invention to be examined even though the requirement be traversed (37 CFR 1.143).

8. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim

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remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tai Van Nguyen whose telephone number is 571-272-4567. The examiner can normally be reached on M-F (7:30 A.M - 4:30 P.M).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on 571-272-4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TN. March 21, 2006

DEXTER TUGBANG